

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VS.

CAUSE NO:37:23CV032CM

PATRICK JUSTIN MCAFEE

DEFENDANT

CERTIFICATE

I, MARTIN HANKINS, CLERK OF THE CIRCUIT COURT OF LAMAR COUNTY, MS DO HEREBY CERTIFY THAT THE ATTACHED 78 PAGES ARE TRUE AND CORRECT COPIES OF ALL PAPER'S FILED IN THE ABOVE STYLED AND NUMBERED CAUSE IN THE CIRCUIT COURT OF LAMAR COUNTY, MS.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 23RD DAY OF MARCH 2023.

MARTIN HANKINS,

LAMAR COUNTY CIRCUIT CLERK

BY: Beth M. Hankins D.C.



EXHIBIT

A

**Mississippi Electronic Courts
Fifteenth Circuit Court District (Lamar Circuit Court)
CIVIL DOCKET FOR CASE #: 37CI1:23-cv-00032-CM
Internal Use Only**

FAVRE v. MCAFEE
Assigned to: Claiborne McDonald, IV

Upcoming Settings:

None Found

Date Filed: 02/09/2023
Current Days Pending: 42
Total Case Age: 42
Jury Demand: None
Nature of Suit: Other Torts (175)

Plaintiff

BRETT LORENZO FAVRE

represented by **Eric Herschmann**
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Unit 3009
AUSTIN, TX 78701
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ATTORNEY TO BE NOTICED

V.

Defendant**PATRICK JUSTIN MCAFEE**

Date Filed	#	Page	Docket Text
02/09/2023	<u>1</u>	4	Civil Cover Sheet. (Morrow, Beth) (Entered: 02/09/2023)
02/09/2023	<u>2</u>	5	COMPLAINT against PATRICK JUSTIN MCAFEE, filed by BRETT LORENZO FAVRE. (Morrow, Beth) (Entered: 02/09/2023)
02/09/2023	<u>3</u>	14	SUMMONS Issued to PATRICK JUSTIN MCAFEE. (Morrow, Beth) (Entered: 02/09/2023)
02/09/2023	<u>4</u>	17	NOTICE of Appearance <i>James Robert Sullivan, Jr.</i> by Bob Sullivan on behalf of BRETT LORENZO FAVRE (Sullivan, Bob) (Entered: 02/09/2023)
02/09/2023	<u>5</u>	19	APPLICATION for Admission of Counsel Pro Hac Vice for Daniel R. Benson by BRETT LORENZO FAVRE. (Attachments: # <u>1</u> Exhibit Verified Application for Admission Pro Hac Vice,) (Shemper, Michael) (Entered: 02/09/2023)
02/09/2023	<u>6</u>	31	APPLICATION for Admission of Counsel Pro Hac Vice for Eric D. Herschmann by BRETT LORENZO FAVRE. (Attachments: # <u>1</u> Exhibit Verified Application for Admission Pro Hac Vice,) (Shemper, Michael) (Entered: 02/09/2023)
02/09/2023	<u>7</u>	42	APPLICATION for Admission of Counsel Pro Hac Vice for Daniel J. Koevary by BRETT LORENZO FAVRE. (Attachments: # <u>1</u> Exhibit Verified Application for Admission Pro Hac Vice,) (Shemper, Michael) (Entered: 02/09/2023)

02/09/2023	<u>8</u>	54	APPLICATION for Admission of Counsel Pro Hac Vice for Jennifer M. McDougall by BRETT LORENZO FAVRE. (Attachments: # <u>1</u> Exhibit Verified Application for Admission Pro Hac Vice,) (Shemper, Michael) (Entered: 02/09/2023)
02/15/2023	<u>2</u>	65	NOTICE by BRETT LORENZO FAVRE Re <u>6</u> Application for Pro Hac Vice (Shemper, Michael) (Entered: 02/15/2023)
02/15/2023	<u>10</u>	67	NOTICE of Clerk's Pro Hac Vice Statement by BRETT LORENZO FAVRE Re <u>5</u> Application for Pro Hac Vice (Shemper, Michael) (Entered: 02/15/2023)
02/15/2023	<u>11</u>	69	NOTICE of Clerk's Pro Hac Vice Statement by BRETT LORENZO FAVRE Re <u>7</u> Application for Pro Hac Vice (Shemper, Michael) (Entered: 02/15/2023)
02/15/2023	<u>12</u>	71	NOTICE of Clerk's Pro Hac Vice Statement by BRETT LORENZO FAVRE Re <u>8</u> Application for Pro Hac Vice (Shemper, Michael) (Entered: 02/15/2023)
02/21/2023	<u>13</u>	73	ORDER FOR ADMISSION PRO HAC VICE (ERIC D. HERSCHMANN). Signed by Claiborne McDonald, IV on 02/17/2023. (Sellers, Pam) (Entered: 02/21/2023)
02/21/2023	<u>14</u>	75	ORDER FOR ADMISSION PRO HAC VICE (DANIEL R. BENSON). Signed by Claiborne McDonald, IV on 02/17/2023. (Sellers, Pam) (Entered: 02/21/2023)
02/21/2023	<u>15</u>	77	ORDER FOR ADMISSION PRO HAC VICE (JENNIFER M. MCDOUGALL). Signed by Claiborne McDonald, IV on 02/17/2023. (Sellers, Pam) (Entered: 02/21/2023)
02/21/2023	<u>16</u>	79	ORDER FOR ADMISSION PRO HAC VICE (DANIEL J. KOEVARY). Signed by Claiborne McDonald, IV on 02/17/2023. (Sellers, Pam) (Entered: 02/21/2023)
02/28/2023	<u>17</u>	81	SUMMONS Returned Executed by BRETT LORENZO FAVRE. Re: ** <u>3</u> SUMMONS Issued to PATRICK JUSTIN MCAFEE. (Morrow, Beth)** PATRICK JUSTIN MCAFEE served on 2/26/2023, answer due 3/28/2023. Service type: Personal (Shemper, Michael) (Entered: 02/28/2023)

COVER SHEET Civil Case Filing Form (To be completed by Attorney/Party Prior to Filing of Pleading)		Case Identification Docket Number <div style="border: 1px solid black; padding: 2px; display: inline-block;">3711101</div>	Case Year <div style="border: 1px solid black; padding: 2px; display: inline-block;">2023</div>	Docket Number <div style="border: 1px solid black; padding: 2px; display: inline-block;">32</div>																																																												
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Short Style of Case: <u>FAVRE vs. McAFEE</u> Party Filing Initial Pleading: Type/Print Name <u>Michael J. Shemper</u> MS Bar No. <u>100531</u> Check (✓) if Not an Attorney <input type="checkbox"/> Check (✓) if Pro Hac Vice <input type="checkbox"/> Signature <u>[Signature]</u> Compensatory Damages Sought: \$ <u> </u> Punitive Damages Sought: \$ <u> </u> Is Child Support contemplated as an issue in this suit? <input type="checkbox"/> Yes <input type="checkbox"/> No If "yes" is checked, please submit a completed Child Support Information Sheet with Final Decree/Judgment																																																																
PLAINTIFF - PARTY(IES) INITIALLY BRINGING SUIT SHOULD BE ENTERED FIRST (FIRST NAME IN SHORT STYLE) - ENTER ADDITIONAL PLAINTIFFS ON SEPARATE FORM																																																																
Individual <u>Favre</u> <u>Brett</u> (<u> </u>) <u>L.</u> Jr/Sr/III/IV Last Name First Name Maiden Name, if Applicable Middle Init. Address of Plaintiff <u>7698 Highway 98 W. Sumrall, MS 39482</u> Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: <u> </u> Estate of <u> </u> Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: <u> </u> D/B/A / Agency <u> </u> Business <u> </u> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: <u> </u> D/B/A: <u> </u>																																																																
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In left hand column, check one (1) box that best describes the nature of this suit. In right hand column check all boxes which indicate secondary claims.		<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <table border="0"> <tr><td><input type="checkbox"/></td><td>Accounting (Business)</td></tr> <tr><td><input type="checkbox"/></td><td>Bankruptcy</td></tr> <tr><td><input type="checkbox"/></td><td>Business Dissolution - Corporation</td></tr> <tr><td><input type="checkbox"/></td><td>Business Dissolution - Partnership</td></tr> <tr><td><input type="checkbox"/></td><td>Debt Collection</td></tr> <tr><td><input type="checkbox"/></td><td>Employment</td></tr> <tr><td><input type="checkbox"/></td><td>Examination of Debtor</td></tr> <tr><td><input type="checkbox"/></td><td>Execution</td></tr> <tr><td><input type="checkbox"/></td><td>Foreign Judgment</td></tr> <tr><td><input type="checkbox"/></td><td>Garnishment</td></tr> <tr><td><input type="checkbox"/></td><td>Pension</td></tr> <tr><td><input type="checkbox"/></td><td>Receivership</td></tr> <tr><td><input type="checkbox"/></td><td>Replevin</td></tr> <tr><td><input type="checkbox"/></td><td>Stockholder Suit</td></tr> <tr><td><input type="checkbox"/></td><td>Other <u> </u></td></tr> </table> </div> <div style="width: 48%;"> <table border="0"> <tr><td><input type="checkbox"/></td><td>Domestic Relations</td></tr> <tr><td><input type="checkbox"/></td><td>Child Custody/Visitation</td></tr> <tr><td><input type="checkbox"/></td><td>Child Support</td></tr> <tr><td><input type="checkbox"/></td><td>Contempt</td></tr> <tr><td><input type="checkbox"/></td><td>Divorce: Fault</td></tr> <tr><td><input type="checkbox"/></td><td>Divorce: Irreconcilable Differences</td></tr> <tr><td><input type="checkbox"/></td><td>Domestic Abuse</td></tr> <tr><td><input type="checkbox"/></td><td>Emancipation</td></tr> <tr><td><input type="checkbox"/></td><td>Modification</td></tr> <tr><td><input type="checkbox"/></td><td>Paternity</td></tr> <tr><td><input type="checkbox"/></td><td>Property Division</td></tr> <tr><td><input type="checkbox"/></td><td>Separate Maintenance</td></tr> <tr><td><input type="checkbox"/></td><td>Termination of Parental Rights</td></tr> <tr><td><input type="checkbox"/></td><td>UIFSA (formerly URESA)</td></tr> <tr><td><input type="checkbox"/></td><td>Other <u> </u></td></tr> </table> </div> </div>			<input type="checkbox"/>	Accounting (Business)	<input type="checkbox"/>	Bankruptcy	<input type="checkbox"/>	Business Dissolution - Corporation	<input type="checkbox"/>	Business Dissolution - Partnership	<input type="checkbox"/>	Debt Collection	<input type="checkbox"/>	Employment	<input type="checkbox"/>	Examination of Debtor	<input type="checkbox"/>	Execution	<input type="checkbox"/>	Foreign Judgment	<input type="checkbox"/>	Garnishment	<input type="checkbox"/>	Pension	<input type="checkbox"/>	Receivership	<input type="checkbox"/>	Replevin	<input type="checkbox"/>	Stockholder Suit	<input type="checkbox"/>	Other <u> </u>	<input type="checkbox"/>	Domestic Relations	<input type="checkbox"/>	Child Custody/Visitation	<input type="checkbox"/>	Child Support	<input type="checkbox"/>	Contempt	<input type="checkbox"/>	Divorce: Fault	<input type="checkbox"/>	Divorce: Irreconcilable Differences	<input type="checkbox"/>	Domestic Abuse	<input type="checkbox"/>	Emancipation	<input type="checkbox"/>	Modification	<input type="checkbox"/>	Paternity	<input type="checkbox"/>	Property Division	<input type="checkbox"/>	Separate Maintenance	<input type="checkbox"/>	Termination of Parental Rights	<input type="checkbox"/>	UIFSA (formerly URESA)	<input type="checkbox"/>	Other <u> </u>
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IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.

31-23CV032

PATRICK JUSTIN MCAFEE

DEFENDANT

COMPLAINT

COMES NOW, Plaintiff, Brett Lorenzo Favre ("Favre" or "Plaintiff"), by and through the undersigned legal counsel, and files his complaint against Defendant, Patrick Justin McAfee ("McAfee" or the "Defendant"). In support thereof, Favre alleges as follows:

JURY TRIAL DEMAND

Pursuant to Miss. R. Civ. P. 38 and Miss. Const. Art. 3, § 31, Favre asserts his constitutional right to trial by jury.

NATURE OF THE CASE

1. Defendant McAfee, on his popular national sports podcast, which has an audience of hundreds of thousands of viewers daily, has made egregiously false and defamatory statements that Favre, the Hall of Fame quarterback and native son of Mississippi, was a "thief" who was "stealing from poor people in Mississippi." There is no basis for these outrageous falsehoods, which McAfee made knowing that they were false or, at a minimum, with reckless disregard for the fact that they were false.

2. Favre brings this action to clear his good name and to redress the injury to his reputation caused by McAfee's false and defamatory statements.

FILED

LAMAR
COUNTY

FEB 09 2023

CIRCUIT
CLERK



Clerk Papers 5

3. Favre is a retired professional athlete who played in the National Football League (“NFL”) for over 20 years, primarily as the Green Bay Packers quarterback. Favre has since been engaged in endorsing various products and businesses, making appearances at events, and hosting a radio show on SiriusXM. Favre has also focused on charities and causes that are important to him. This included his Favre 4 Hope Foundation, which he and his wife Deanna founded in 1995 and through which he has contributed millions of dollars to charities across his home state of Mississippi and elsewhere, including Make-A-Wish Foundation of America, Hope Haven, and Ribbon of Hope. Favre also has supported various causes, including his alma mater, The University of Southern Mississippi (“Southern Miss”), and the development of medication to treat and prevent concussions, an all-too-common football injury.

4. McAfee, also a retired NFL player, is the host of a national weekday sports talk show and podcast, The Pat McAfee Show.

5. In November 2022, McAfee made statements on The Pat McAfee Show falsely accusing Favre of “steal[ing] from the poor,” “[taking] money right out of their pockets” and “stealing from poor people in Mississippi.” A month later, McAfee made a similar statement on Twitter. Despite the fact that Favre had not done any of those things, McAfee could not resist the opportunity to trade on Favre’s celebrity to make headlines and gain audience by sullyng Favre’s reputation.

6. Before filing this complaint, Favre sent Defendant McAfee a letter demanding that McAfee retract and apologize for his defamatory statements and cease and desist from making further defamatory falsehoods against Favre. McAfee has failed and refused to do so.

7. Knowing or with reckless disregard for the fact that the statements were false, McAfee accused Favre of committing serious crimes, and has refused to retract or apologize for

these statements. Those false and malicious statements about Favre constitute defamation *per se* and entitle Favre to compensatory damages for the harm he has suffered and punitive damages for McAfee's reprehensible conduct.

PARTIES

8. Plaintiff, Brett Lorenzo Favre, is a private citizen and resident of Sumrall, Lamar County, Mississippi.

9. Defendant, Patrick Justin McAfee, is an individual domiciled in the State of Indiana, and may be served with process as authorized by law.

JURISDICTION AND VENUE

10. This Court has jurisdiction over this case pursuant to Miss. Const. Art. VI, § 156.

11. This Court has personal jurisdiction over Defendant pursuant to Mississippi Code Ann. § 13-3-57 because Defendant has committed a tort in whole or in part in Mississippi.

12. Venue is proper in this Court pursuant to Miss Code Ann. § 11-11-3(1)(a)(i) because a substantial event that caused the injury occurred in this County. Alternatively, venue is proper in this Court pursuant to Miss. Code Ann. § 11-11-3(1)(b) because Defendant is a nonresident and Plaintiff resides in Lamar County.

STATEMENT OF FACTS

A. Background

13. Favre was born and raised in Mississippi, and attended Hancock North Central High School in Kiln, Mississippi, graduating from The University of Southern Mississippi in 1990.

14. Favre went on to a highly successful career in the NFL, playing for over 20 years, primarily as quarterback for the Green Bay Packers. During his career, he had two Super Bowl appearances, including a victory in Super Bowl XXXI. He also earned three straight NFL Most Valuable Player Awards. Since retiring, Favre was inducted into the Pro Football Hall of Fame in

2016 and continued to be sought after by multiple companies, including Wrangler and CopperFit, to endorse and appear in television commercials for their products. Favre has also co-hosted a regular radio show on SiriusXM, “The SiriusXM Blitz With Brett Favre and Bruce Murray,” and has made paid appearances at autograph signing and speaking events.

15. Favre has also focused on his charitable endeavors, including efforts to support his alma matter, Southern Miss, as well as his work with the Favre 4 Hope Foundation, which he and his wife Deanna founded in 1995 and through which he has contributed millions of dollars to charities across his home state of Mississippi and elsewhere, including such charities as Make-A-Wish Foundation of America, Hope Haven, and Ribbon of Hope. Favre also has supported various causes, including the development of medication to treat and prevent concussions, an all-too-common football injury.

B. McAfee’s Egregious Falsehoods About Favre

16. McAfee, also a retired NFL player, is the host of a national weekday sports talk show and podcast, The Pat McAfee Show. The Pat McAfee Show features a video simulcast on the streaming platform YouTube, and is available for download on various internet platforms, including Apple Podcasts, Google Podcasts, Spotify and TuneIn.

17. Since The Pat McAfee Show’s inception in the Fall of 2019, McAfee has built a fan base of more than 3 million social media followers. Video clips of the Pat McAfee Show posted on the YouTube Pat McAfee Show channel, which has over 2.1 million subscribers, regularly see traffic of over 100,000 views each.

18. On November 30, 2022, during an episode of The Pat McAfee Show, which was posted to The Pat McAfee Show’s YouTube channel, McAfee falsely accused Favre of serious crimes, stating:

- “Every time his name gets brought up, we have to mention that he tied the hands of the poor people and took money right out of their pockets”
- “[Favre is] certainly in the middle of stealing from poor people in Mississippi right now.”

19. McAfee published yet another statement defaming Favre on Twitter on December 24, 2022. In his tweet, which included a video of NFL wide receiver DeVonta Smith celebrating a touchdown by pantomiming stealing from an oversized Salvation Army basket, McAfee stated, “Devonta Smith doing ‘The Favre’ after that touchdown was crazy”:



20. As the above image shows, McAfee’s defamatory Tweet was viewed nearly 4 million times, and tens of thousands of Twitter users “retweeted,” “quoted,” or “liked” it.

21. On February 3, 2023, counsel for Favre demanded that McAfee retract and apologize for his defamatory statements. McAfee refused, prompting Favre to file this action.

22. McAfee's false statements that Favre stole money from "poor people in Mississippi" are malicious lies that injured Favre's reputation and caused Favre financial harm by, among other things, diminishing Favre's ability to generate income through endorsements, appearances at events or on radio and television programs, or hosting his own radio or television program.

23. McAfee should be held responsible for his lies and compelled to pay Favre for the damage he has caused, as well as punitive damages for his reprehensible conduct.

CAUSE OF ACTION
(Defamation and Defamation Per Se)

24. Favre incorporates by reference all of the preceding paragraphs as if fully set forth herein.

25. McAfee published the foregoing statements of purported fact referring specifically to Favre, by name, on his podcast, The Pat McAfee Show—which is streamed for millions of viewers across the nation via YouTube and via various other internet platforms, including Apple Podcasts, Google Podcasts, Spotify and TuneIn—and on Twitter.

26. The foregoing statements by McAfee were false in their particular details and in their gist and essence in the entire context in which they were made.

27. The foregoing statements by McAfee were defamatory, libelous and slanderous and in making the statements, McAfee acted with actual malice, and with knowledge of the falsity of the defamatory statements, or at a minimum with reckless disregard for their falsity by purposefully avoiding the truth, and, in fact, lying that Favre committed what are serious crimes in the State of Mississippi.

28. The foregoing defamatory statements by McAfee were not protected by any privilege.

29. The foregoing defamatory statements by McAfee constitute defamation *per se* in that they were clearly directed at Favre and clearly and falsely state that Favre committed a crime by stealing from poor Mississippians. The foregoing defamatory statements by McAfee also injured Favre's reputation and exposed him to public hatred, animus, contempt or ridicule, degraded him in society, lessened him in public esteem, or lowered him in the confidence of the community.

30. McAfee made the defamatory statements of purported fact knowing they were false or, at a minimum, with reckless disregard for the fact that they were false.

31. As a proximate result of the publication of these false and defamatory statements, Favre has suffered damages in an amount to be determined at trial.

DAMAGES

32. Favre incorporates by reference all of the preceding paragraphs as if fully set forth herein.

33. Favre is entitled to nominal and general damages resulting from McAfee's defamation, including compensation for injury to Favre's character and reputation.

34. Favre is also entitled to actual or special damages, including specifically the pecuniary loss suffered because of McAfee's defamation.

35. In addition to the damages set forth above, Favre seeks to recover punitive or exemplary damages against McAfee for his conduct, which constitutes malice. Further, McAfee acted with a specific intent to cause injury to Favre or conscious indifference to the rights, safety, or welfare of Favre with actual, subjective awareness that McAfee's conduct involved an extreme degree of risk of harm to Favre. Favre also seeks punitive and exemplary damages in order to

punish and deter the outrageous conduct taken in heedless and reckless disregard for Favre's reputation and as a result of McAfee's conscious indifference in harming his reputation.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Favre respectfully requests that this Court enter judgment awarding Plaintiff Favre the following relief:

- a. Nominal, general, actual/special, exemplary, and punitive damages as described above, in an amount to be determined at trial;
- b. The costs of litigation, including reasonable legal and consulting fees, expert witness fees, and any other costs deemed reasonable;
- c. Pre- and post-judgment interest at the maximum rate allowed by law;
- d. Such further and other relief, both general and special, at law or in equity, to which Plaintiff Favre may show himself justly to be entitled, or as this Court may deem appropriate; and
- e. Any other damages or other relief deemed just and proper.

RESPECTFULLY SUBMITTED, this the 9th day of February, 2023.

BRETT LORENZO FAVRE, Plaintiff

By: 

MICHAEL J. SEMPEN,
Attorney for Plaintiff

MICHAEL J. SEMPUR, PLLC

Michael J. Sempur (MSB# 100531)
Attorney at Law
140 Mayfair Road, Suite 1200
Hattiesburg, MS 39402
Telephone: (601) 545-7787
Facsimile: (601) 545-1711
Email: michael@shempurlaw.com

SULLIVAN & SULLIVAN, PLLC

James Robert "Bob" Sullivan, Jr. (MSB# 8613)
Attorneys at Law
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Telephone: (601) 428-1505
Facsimile: (601) 428-1590
Email: bob@sst-lawoffice.com

ERIC D. HERSCHMANN, Esq. (*pro hac vice admission pending*)

210 Lavaca Street
Austin, Texas 78701
Telephone: (512) 551-3344
Facsimile: (512) 798-4376
Email: EDHNotice@gmail.com

KASOWITZ BENSON TORRES LLP

Daniel R. Benson, Esq. (*pro hac vice admission pending*)
Email: DBenson@kasowitz.com
Jennifer M. McDougall, Esq. (*pro hac vice admission pending*)
Email: JMcDougall@kasowitz.com
Daniel J. Koevary, Esq. (*pro hac vice admission pending*)
Email: DKoevary@kasowitz.com
1633 Broadway
New York, NY 10019
Telephone: (212) 506-1700
Facsimile: (212) 506-1800

Counsel for Plaintiff Brett Lorenzo Favre

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.

31-23W032

PATRICK JUSTIN McAFEE

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: Patrick Justin McAfee
8811 Spinnaker Ct.
Indianapolis, Indiana 46256

Or wherever he may be found

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to Michael J. Shemper, 140 Mayfair Road, Suite 1200, Hattiesburg, MS 39402, attorney for the Plaintiff. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and Complaint or a judgment by default will be entered against you for the money or other things demanded in the Complaint. You must also file the original of your responses with the Clerk of this Court within a reasonable time afterward.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT, this, the 9th day of Feb, 2023.

(SEAL)

Martin Hankins
Lamar County Circuit Court Clerk
P. O. Box 369
Purvis, MS 39475

BY: Beth Martin D.C.

Prepared by:

MICHAEL J. SEMPEN, PLLC

Michael J. Semper (MSB# 100531)
Attorney at Law
140 Mayfair Road, Suite 1200
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Facsimile: (601) 428-1590
Email: bob@sst-lawoffice.com

ERIC D. HERSCHMANN, Esq. (pro hac vice admission pending)

210 Lavaca Street
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Facsimile: (512) 798-4376
Email: EDHNotice@gmail.com

KASOWITZ BENSON TORRES LLP

Daniel R. Benson, Esq. (pro hac vice admission pending)
Email: DBenson@kasowitz.com
Jennifer M. McDougall, Esq. (pro hac vice admission pending)
Email: JMcDougall@kasowitz.com
Daniel J. Koevary, Esq. (pro hac vice admission pending)
Email: DKoevary@kasowitz.com
1633 Broadway
New York, NY 10019
Telephone: (212) 506-1700
Facsimile: (212) 506-1800

Counsel for Plaintiff Brett Lorenzo Favre

PROOF OF SERVICE - SUMMONS

(Process Server)

(Use separate Proof of Service for each person served)

Name of Person or Entity Served

I, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid) copies to the person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (**Attach completed acknowledgment or receipt pursuant to M.R.C.P. Form 1B**)

____ **PERSONAL SERVICE.** I personally delivered copies to _____ on the _____ day of _____, 2023, where I found said person in _____ County of the State of Mississippi.

RESIDENCE SERVICE. After exercising reasonable diligence, I was unable to deliver copies to said person within _____ County, Mississippi. I served the summons and complaint on the _____ day of _____, 2023, at the usual place of abode of said person by leaving a true copy of the summons and complaint with _____, who is the _____ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the _____ day of _____, 2023, I mailed, (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. **(Attach signed return receipt or other evidence of actual delivery to the person served).**

At the time of service, I was at least 18 years of age and not a party to this action.

Fee for service: \$

Process Server must list below: (Please print or type)

NAME: _____

ADDRESS: _____

TELEPHONE: _____

STATE OF MISSISSIPPI

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the state and county aforesaid, the within named _____, who being first by me duly sworn, states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

SWORN TO AND SUBSCRIBED BEFORE ME, this the day of , 2023.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 37CI1:23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

ENTRY OF APPEARANCE

PLEASE TAKE NOTE THAT James Robert “Bob” Sullivan, Jr., of Sullivan & Sullivan, PLLC, 424 Sawmill Road, Laurel, Mississippi, will appear for and on behalf of the interests of Plaintiff, Brett Lorenzo Favre, in the above-styled and numbered cause.

RESPECTFULLY SUBMITTED on this, the 9th day of February, 2023.

BRETT LORENZO FAVRE, Plaintiff

BY: /s/ James Robert Sullivan, Jr.
JAMES ROBERT SULLIVAN, JR.

MICHAEL J. SEMPUR, PLLC

Michael J. Sempur (MSB# 100531)
Attorney at Law
140 Mayfair Road, Suite 1200
Hattiesburg, MS 39402
Telephone: (601) 545-7787
Facsimile: (601) 545-1711
Email: michael@shempurlaw.com

SULLIVAN & SULLIVAN, PLLC

James Robert "Bob" Sullivan, Jr. (MSB# 8613)
Attorneys at Law
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Facsimile: (601) 428-1590
Email: bob@sst-lawoffice.com

ERIC D. HERSCHMANN, Esq. (*pro hac vice admission pending*)

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Austin, Texas 78701
Telephone: (512) 551-3344
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Email: EDHNotice@gmail.com

KASOWITZ BENSON TORRES LLP

Daniel R. Benson, Esq. (*pro hac vice admission pending*)
Email: DBenson@kasowitz.com
Jennifer M. McDougall, Esq. (*pro hac vice admission pending*)
Email: JMcDougall@kasowitz.com
Daniel J. Koevary, Esq. (*pro hac vice admission pending*)
Email: DKoevary@kasowitz.com
1633 Broadway
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Telephone: (212) 506-1700
Facsimile: (212) 506-1800

Counsel for Plaintiff Brett Lorenzo Favre

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

MOTION FOR ADMISSION *PRO HAC VICE*

COME NOW, Plaintiff, Brett Lorenzo Favre, appearing by and through undersigned counsel of record, and respectfully moves this Honorable Court to enroll Daniel R. Benson of Palm Beach, Florida, to appear and participate as counsel *Pro Hac Vice* for said parties, in support of which Movants show that Daniel R. Benson is a member in good standing of the New York State Bar and has also been admitted to practice law in the following jurisdictions: U.S. District Court for the Southern District of New York, U.S. District Court for the Eastern District of New York, U.S. Court of Appeals for the Second Circuit, U.S. Court of Appeals for the Third Circuit, D.C. Circuit Court of Appeals, and the U.S. Supreme Court.

The verified application for appearance *Pro Hac Vice*, required by the Mississippi Rules of Appellate Procedure Rule 46(b)(5), is attached hereto as Exhibit "A". Daniel R. Benson desires to enroll as counsel *Pro Hac Vice*, along with the undersigned counsel, Michael J. Shemper, and James Robert Sullivan, Jr. who are attorneys duly authorized to practice law in the State of Mississippi and are members in good standing with the Mississippi State Bar Association.

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that Daniel R. Benson be enrolled as attorney *Pro Hac Vice* for Plaintiff, Brett Lorenzo Favre, together, with attorneys of record Michael J. Shemper and James Robert Sullivan, Jr.

RESPECTFULLY SUBMITTED, the 9th day of February, 2023.

BRETT LORENZO FAVRE, Plaintiff

**BY: /s/ Michael J. Shemper
MICHAEL J. SEMPEN (MSB #100531)**

**BY: /s/ James Robert Sullivan, Jr.
JAMES ROBERT SULLIVAN, JR.
(MSB #8613)**

Prepared by:

Michael J. Shemper (MSB# 100531)
MICHAEL J. SEMPEN, PLLC
Attorney at Law
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Telephone: (601) 545-7787
Facsimile: (601) 545-1711
Email: michael@shemperlaw.com

James Robert "Bob" Sullivan, Jr. (MSB #8613)
Sullivan & Sullivan, PLLC
Attorney at Law
424 Sawmill Road
P. O. Box 45
Laurel, MS 39441
Telephone: (601) 428-1505
Facsimile: (601) 428-1590
Email: bob@sst-lawoffice.com

Attorneys for Plaintiff, Brett Lorenzo Favre

CERTIFICATE OF SERVICE

WE DO HEREBY CERTIFY that we have on this 9th day of February, 2023, served a true and correct copy of the foregoing pleading on all counsel of record herein via the MEC filing system. We have further hand delivered a true and correct copy of the foregoing pleading to the following:

Honorable Claiborne McDonald
Circuit Court Judge, Lamar County, Mississippi
P. O. Box 590
Poplarville, MS 39470

Mr. D. Jeremy Whitmire, Clerk
Mississippi Supreme Court
Gartin Justice Building
450 High Street
Jackson, MS 39201

The Mississippi Bar Association
c/o Amy Ward
643 North State Street
Jackson, MS 39202

/s/ Michael J. Shemper

MICHAEL J. SEMPEN

/s/ James Robert Sullivan, Jr.

JAMES ROBERT SULLIVAN, JR.

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
OF DANIEL R. BENSON

DANIEL R. BENSON, Attorney at Law, 1633 Broadway, New York, New York 10019, at the request of Plaintiff, Brett Lorenzo Favre, files this his Verified Application for Admission *Pro Hac Vice* in the above case and in support shows as follows:

1. In accordance with Rule 46 of the Miss. R. App. P., as amended, this Verified Application is submitted requesting admission *pro hac vice*. The Applicant states under oath that the following is in accordance with Miss. R. App. P. 46(b)(5):

- a. It is my desire to appear as counsel *pro hac vice* in this Court or elsewhere in Mississippi.
- b. It is my desire to appear as counsel *pro hac vice* in the matter styled *Brett Lorenzo Favre vs. Patrick Justin McAfee*; In the Circuit Court of Lamar County, Mississippi; Civil Action No. 23-CV-00032-CM.
- c. My full name is Daniel R. Benson. My residence address is 2660 S. Ocean Blvd., Palm Beach, FL 33480. I am a member of the law firm of Kasowitz Benson Torres LLP. My office address is 1633 Broadway, New York, NY 10019. My telephone number is (212) 506-1720 and my facsimile number is (212) 835-5020. My e-mail address is DBenson@kasowitz.com.
- d. I am duly licensed to practice law in the State of New York, and was admitted to practice in the State of New York in 1981.
- e. I do not maintain an office within the State of Mississippi nor am I a member of a firm which maintains an office in the State of Mississippi. I have not engaged in the general practice of law in the State of Mississippi without being properly admitted and licensed to do so.



- f. I am currently licensed in good standing to practice law in the State of New York.
- g. I am not currently on suspension, nor have I been disbarred by the State of New York.
- h. I have not been the subject of disciplinary action or grievance proceedings by the bar, or association, or court during the past five (5) years or at any time.
- i. I am of good moral character and familiar with the ethics, principles, practices, customs, and usages of the legal profession.
- j. I have appeared as counsel *pro hac vice* within this state within the immediately preceding 12 months in the matter styled *Mississippi Department of Human Resources vs. Mississippi Community Education Center, Inc., et al*; In the Circuit Court of Hinds County, Mississippi, First Judicial District; Civil Action No. 22-cv-286-EFP.
- k. Unless permitted to withdraw by Order of the Court, I will continue to represent the Plaintiff, Brett Lorenzo Favre, in the above-styled action until the final determination of this cause. I consent to the jurisdiction of the courts of the State of Mississippi, of the disciplinary tribunal of the Mississippi Bar, and of the Mississippi Board of Bar Admissions in all respects as if I am a regularly admitted and licensed member of the Mississippi Bar.
- l. Michael J. Shemper, Attorney at Law, 140 Mayfair Road, Suite 1200, Hattiesburg, Mississippi 39402 and James Robert "Bob" Sullivan, Jr., will act as local counsel with whom the Court and opposing counsel may readily communicate regarding the conduct of this case.

2. Simultaneously with the filing of this application, I am delivering the sum of Three Hundred Dollars (\$300.00) to the Mississippi Bar as required by Miss. R. App. P. 46(b)(5).

WHEREFORE PREMISES CONSIDERED, Daniel R. Benson requests admission as counsel *pro hac vice* for Plaintiff, Brett Lorenzo Favre.

RESPECTFULLY SUBMITTED, this, the 9th day of February, 2023.

Daniel R. Benson
DANIEL R. BENSON

SWORN TO AND SUBSCRIBED BEFORE ME, this, the 9th day of
February, 2023.

Lynne E. DeAngelis
NOTARY PUBLIC

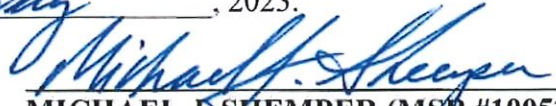
MY COMMISSION EXPIRES:

1-7-2025



Local counsel, **MICHAEL J. SEMPUR**, joins in this Verified Application.

THIS, the 9th day of February, 2023.


MICHAEL J. SEMPUR (MSB #100531)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 9th day of

February, 2023.

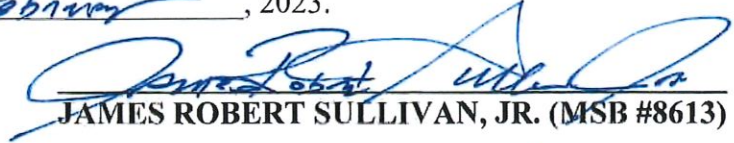


NOTARY PUBLIC



Local counsel, **JAMES ROBERT SULLIVAN, JR.**, joins in this Verified Application.

THIS, the 9th day of February, 2023.


JAMES ROBERT SULLIVAN, JR. (MSB #8613)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 9th day of

February, 2023.


NOTARY PUBLIC

MY COMMISSION EXPIRES:

October 31, 2025





*Appellate Division of the Supreme Court
of the State of New York
First Judicial Department*

*I, Susanna M. Rojas, Clerk of the Appellate Division of the
Supreme Court of the State of New York, First Judicial
Department, do hereby certify that*

Daniel Richard Benson

*was duly licensed and admitted to practice as an Attorney and
Counselor at Law in all the courts of this State on **March 16, 1981**,
has duly taken and subscribed the oath of office prescribed by law,
has been enrolled in the Roll of Attorneys and Counselors at Law
on file in this office, is duly registered with the Administration
Office of the Courts, and according to the records of this Court is
currently in good standing as an Attorney and Counselor-at-Law.*

*In Witness Whereof, I have hereunto set
my hand in the City of New York on
February 7, 2023.*



Susanna M. Rojas

Clerk of the Court

CertID-00104066





Supreme Court of the State of New York
Appellate Division, First Department

ROLANDO T. ACOSTA
PRESIDING JUSTICE

SUSANNA MOLINA ROJAS
CLERK OF THE COURT

MARGARET SOWAH
DEPUTY CLERK OF THE COURT

To Whom It May Concern

An attorney admitted to practice by this Court may request a certificate of good standing, which is the only official document this Court issues certifying to an attorney's admission and good standing.

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Bar examination history is available from the [New York State Board of Law Examiners](#).

Instructions, forms and links are available on [this Court's website](#).

Susanna Rojas
Clerk of the Court

Revised October 2020

CERTIFICATE OF SERVICE

WE DO HEREBY CERTIFY that we have on this 9th day of February, 2023, served a true and correct copy of the foregoing pleading on all counsel of record herein via the MEC filing system. We have further hand delivered a true and correct copy of the foregoing pleading to the following:

Honorable Claiborne McDonald
Circuit Court Judge, Lamar County, Mississippi
P. O. Box 590
Poplarville, MS 39470

Mr. D. Jeremy Whitmire, Clerk
Mississippi Supreme Court
Gartin Justice Building
450 High Street
Jackson, MS 39201

The Mississippi Bar Association
c/o Amy Ward
643 North State Street
Jackson, MS 39202

/s/ Michael J. Shemper

MICHAEL J. SEMPEN

/s/ James Robert Sullivan, Jr.

JAMES ROBERT SULLIVAN, JR.

Prepared by:

Michael J. Shemper (MSB# 100531)
MICHAEL J. SHEMPER, PLLC
Attorney at Law
140 Mayfair Road, Suite 1200
Hattiesburg, MS 39402
Telephone: (601) 545-7787
Facsimile: (601) 545-1711
Email: michael@shemperlaw.com

James Robert "Bob" Sullivan, Jr. (MSB #8613)
Attorney at Law
424 Sawmill Road
P. O. Box 45
Laurel, MS 39441
Telephone: (601) 428-1505
Facsimile: (601-428-1590)
Email: bob@sst-lawoffice.com

Attorneys for Plaintiff Brett Lorenzo Favre

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

MOTION FOR ADMISSION *PRO HAC VICE*

COME NOW, Plaintiff, Brett Lorenzo Favre, appearing by and through undersigned counsel of record, and respectfully moves this Honorable Court to enroll Eric D. Herschmann of Austin, Texas, to appear and participate as counsel *Pro Hac Vice* for said parties, in support of which Movants show that Eric D. Herschmann is a member in good standing of the Texas State Bar and has also been admitted to practice law in the following jurisdictions: New York, New Jersey, U.S. District Court for the Southern District of New York, U.S. District Court for the Eastern District of New York, and the U. S. Supreme Court.

The verified application for appearance *Pro Hac Vice*, required by the Mississippi Rules of Appellate Procedure Rule 46(b)(5), is attached hereto as Exhibit "A". Eric D. Herschmann desires to enroll as counsel *Pro Hac Vice*, along with the undersigned counsel, Michael J. Shemper, and James Robert Sullivan, Jr. who are attorneys duly authorized to practice law in the State of Mississippi and are members in good standing with the Mississippi State Bar Association.

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that Eric D. Herschmann be enrolled as attorney *Pro Hac Vice* for Plaintiff, Brett Lorenzo Favre, with attorneys of record Michael J. Shemper and James Robert Sullivan, Jr.

RESPECTFULLY SUBMITTED, the 9th day of February, 2023.

BRETT LORENZO FAVRE, Plaintiff

**BY: /s/ Michael J. Shemper
MICHAEL J. SEMPEN (MSB #100531)**

**BY: /s/ James Robert Sullivan, Jr.
JAMES ROBERT SULLIVAN, JR.
(MSB #8613)**

Prepared by:

Michael J. Shemper (MSB# 100531)
MICHAEL J. SEMPEN, PLLC
Attorney at Law
140 Mayfair Road, Suite 1200
Hattiesburg, MS 39402
Telephone: (601) 545-7787
Facsimile: (601) 545-1711
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James Robert "Bob" Sullivan, Jr. (MSB #8613)
Sullivan & Sullivan, PLLC
Attorney at Law
424 Sawmill Road
P. O. Box 45
Laurel, MS 39441
Telephone: (601) 428-1505
Facsimile: (601) 428-1590
Email: bob@sst-lawoffice.com

Attorneys for Plaintiff, Brett Lorenzo Favre

CERTIFICATE OF SERVICE

WE DO HEREBY CERTIFY that we have on this 9th day of February, 2023, served a true and correct copy of the foregoing pleading on all counsel of record herein via the MEC filing system. We have further hand delivered a true and correct copy of the foregoing pleading to the following:

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Circuit Court Judge, Lamar County, Mississippi
P. O. Box 590
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The Mississippi Bar Association
c/o Amy Ward
643 North State Street
Jackson, MS 39202

/s/ Michael J. Shemper
MICHAEL J. SEMP

/s/ James Robert Sullivan, Jr.
JAMES ROBERT SULLIVAN, JR.

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
OF ERIC D. HERSCHMANN

ERIC D. HERSCHMANN, Attorney at Law, 210 Lavaca Street, Austin, Texas 78701, at the request of Plaintiff, Brett Lorenzo Favre, files this his Verified Application for Admission *Pro Hac Vice* in the above case and in support shows as follows:

1. In accordance with Rule 46 of the Miss. R. App. P., as amended, this Verified Application is submitted requesting admission *pro hac vice*. The Applicant states under oath that the following is in accordance with Miss. R. App. P. 46(b)(5):

- a. It is my desire to appear as counsel *pro hac vice* in this Court or elsewhere in Mississippi.
- b. It is my desire to appear as counsel *pro hac vice* in the matter styled *Brett Lorenzo Favre vs. Patrick Justin McAfee*; In the Circuit Court of Lamar County, Mississippi; Civil Action No. 23-CV-00032-CM.
- c. My full name is Eric D. Herschmann. My residence address is 210 Lavaca Street, Austin, Texas 78701. I am an attorney. My office address is 210 Lavaca Street, Unit 3009, Austin, Texas 78701. My telephone number is (512) 551-3344 and my facsimile number is (512) 798-4376. My e-mail address is EDHNotice@gmail.com.
- d. I am duly licensed to practice law in the States of Texas, New York and New Jersey, and have been admitted in the following years: 2010, 1987 and 1987, respectively.
- e. I do not maintain an office within the State of Mississippi nor am I a member of a firm which maintains an office in the State of Mississippi. I have not engaged in the general practice of law in the State of Mississippi without being properly admitted and licensed to do so.

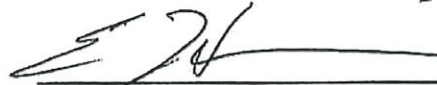


- f. I am currently licensed in good standing to practice law in the States of Texas, New York and New Jersey.
- g. I am not currently on suspension, nor have I been disbarred by the States of Texas, New York and New Jersey.
- h. I have not been the subject of disciplinary action or grievance proceedings by the bar, or association, or court during the past five (5) years or at any time.
- i. I am of good moral character and familiar with the ethics, principles, practices, customs, and usages of the legal profession.
- j. I have appeared as counsel *pro hac vice* within this state within the immediately preceding 12 months in the matter styled *Mississippi Department of Human Resources vs. Mississippi Community Education Center, Inc., et al*; In the Circuit Court of Hinds County, Mississippi, First Judicial District; Civil Action No. 22-cv-286-EFP.
- k. Unless permitted to withdraw by Order of the Court, I will continue to represent the Plaintiff, Brett Lorenzo Favre, in the above-styled action until the final determination of this cause. I consent to the jurisdiction of the courts of the State of Mississippi, of the disciplinary tribunal of the Mississippi Bar, and of the Mississippi Board of Bar Admissions in all respects as if I am a regularly admitted and licensed member of the Mississippi Bar.
- l. Michael J. Shemper, Attorney at Law, 140 Mayfair Road, Suite 1200, Hattiesburg, Mississippi 39402 and James Robert "Bob" Sullivan, Jr., will act as local counsel with whom the Court and opposing counsel may readily communicate regarding the conduct of this case.

2. Simultaneously with the filing of this application, I am delivering the sum of Three Hundred Dollars (\$300.00) to the Mississippi Bar as required by Miss. R. App. P. 46(b)(5).

WHEREFORE PREMISES CONSIDERED, Eric D. Herschmann requests admission as counsel *pro hac vice* for Plaintiff, Brett Lorenzo Favre.

RESPECTFULLY SUBMITTED, this 8 day of February, 2023.



ERIC D. HERSCHMANN

SWORN TO AND SUBSCRIBED BEFORE ME, this, the 8 day of
February, 2023.

Katherine Plummer
NOTARY PUBLIC

MY COMMISSION EXPIRES:

06-22-2026



Local counsel, **MICHAEL J. SEMP**, joins in this Verified Application.

THIS, the 9th day of February, 2023.

Michael J. Semp
MICHAEL J. SEMP (MSB #100531)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 9th day of
February, 2023.

Lynne J. Hoda

NOTARY PUBLIC

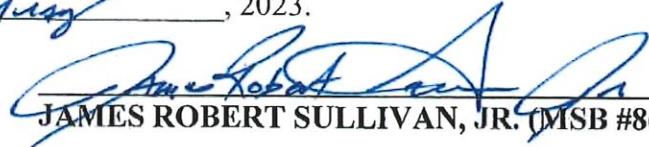
MY COMMISSION EXPIRES:

October 31, 2025



Local counsel, **JAMES ROBERT SULLIVAN, JR.**, joins in this Verified Application.

THIS, the 9th day of February, 2023.


JAMES ROBERT SULLIVAN, JR. (MSB #8613)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 9th day of February, 2023.


NOTARY PUBLIC

MY COMMISSION EXPIRES:

October 31, 2025





*Appellate Division of the Supreme Court
of the State of New York
Second Judicial Department*

*I, Maria T. Fasulo, Clerk of the Appellate Division of the
Supreme Court of the State of New York, Second Judicial
Department, do hereby certify that*

Eric Daniel Herschmann

*was duly licensed and admitted to practice as an Attorney and
Counselor at Law in all the courts of this State on **December 9,**
1987, has duly taken and subscribed the oath of office prescribed
by law, has been enrolled in the Roll of Attorneys and Counselors
at Law on file in this office, is duly registered with the
Administration Office of the Courts, and according to the records
of this Court is currently in good standing as an Attorney and
Counselor-at-Law.*



*In Witness Whereof, I have hereunto set
my hand in the City of Brooklyn on
February 8, 2023.*

Maria T. Fasulo

Clerk of the Court

CertID-00104063





HECTOR D. LASALLE
PRESIDING JUSTICE

MARIA T. FASULO
CLERK OF THE COURT

Appellate Division
Supreme Court of the State of New York
Second Judicial Department
45 Monroe Place
Brooklyn, N.Y. 11201
(718) 875-1300

DARRELL M. JOSEPH
DEPUTY CLERKS

KENNETH BAND
MELISSA KRAKOWSKI
WENDY STYNES
ASSOCIATE DEPUTY CLERKS

To Whom It May Concern

An attorney admitted to practice by this Court may request a certificate of good standing, which is the only official document this Court issues certifying to an attorney's admission and good standing.

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Maria T. Fasulo
Clerk of the Court

CERTIFICATE OF SERVICE

WE DO HEREBY CERTIFY that we have on this 9th day of February, 2023, served a true and correct copy of the foregoing pleading on all counsel of record herein via the MEC filing system. We have further hand delivered a true and correct copy of the foregoing pleading to the following:

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Jackson, MS 39202

/s/ Michael J. Shemper

MICHAEL J. SEMPEN

/s/ James Robert Sullivan, Jr.

JAMES ROBERT SULLIVAN, JR.

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

MOTION FOR ADMISSION *PRO HAC VICE*

COME NOW, Plaintiff, Brett Lorenzo Favre, appearing by and through undersigned counsel of record, and respectfully moves this Honorable Court to enroll Daniel J. Koevary of Mount Kisco, New York, to appear and participate as counsel *Pro Hac Vice* for said parties, in support of which Movants show that Daniel J. Koevary is a member in good standing of the New York State Bar and has also been admitted to practice law in the following jurisdictions: U.S. District Court for the Southern District of New York and the U.S. District Court for the Eastern District of New York.

The verified application for appearance *Pro Hac Vice*, required by the Mississippi Rules of Appellate Procedure Rule 46(b)(5), is attached hereto as Exhibit "A". Daniel J. Koevary desires to enroll as counsel *Pro Hac Vice*, along with the undersigned counsel, Michael J. Shemper, and James Robert Sullivan, Jr. who are attorneys duly authorized to practice law in the State of Mississippi and are members in good standing with the Mississippi State Bar Association.

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that Daniel J. Koevary be enrolled as attorney *Pro Hac Vice* for Plaintiff, Brett Lorenzo Favre, together, with attorneys of record Michael J. Shemper and James Robert Sullivan, Jr.

RESPECTFULLY SUBMITTED, the 9th day of February, 2023.

BRETT LORENZO FAVRE, Plaintiff

**BY: /s/ Michael J. Shemper
MICHAEL J. SEMPEN (MSB #100531)**

**BY: /s/ James Robert Sullivan, Jr.
JAMES ROBERT SULLIVAN, JR.
(MSB #8613)**

Prepared by:

Michael J. Shemper (MSB# 100531)
MICHAEL J. SEMPEN, PLLC
Attorney at Law
140 Mayfair Road, Suite 1200
Hattiesburg, MS 39402
Telephone: (601) 545-7787
Facsimile: (601) 545-1711
Email: michael@shemperlaw.com

James Robert "Bob" Sullivan, Jr. (MSB #8613)
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Attorney at Law
424 Sawmill Road
P. O. Box 45
Laurel, MS 39441
Telephone: (601) 428-1505
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Attorneys for Plaintiff, Brett Lorenzo Favre

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c/o Amy Ward
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/s/ Michael J. Shemper

MICHAEL J. SEMPEN

/s/ James Robert Sullivan, Jr.

JAMES ROBERT SULLIVAN, JR.

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
OF DANIEL J. KOEVARY

DANIEL J. KOEVARY, Attorney at Law, 1633 Broadway, New York, New York 10019, at the request of Plaintiff, Brett Lorenzo Favre, files this his Verified Application for Admission *Pro Hac Vice* in the above case and in support shows as follows:

1. In accordance with Rule 46 of the Miss. R. App. P., as amended, this Verified Application is submitted requesting admission *pro hac vice*. The Applicant states under oath that the following is in accordance with Miss. R. App. P. 46(b)(5):

- a. It is my desire to appear as counsel *pro hac vice* in this Court or elsewhere in Mississippi.
- b. It is my desire to appear as counsel *pro hac vice* in the matter styled *Brett Lorenzo Favre vs. Patrick Justin McAfee*; In the Circuit Court of Lamar County, Mississippi; Civil Action No. 23-CV-00032-CM.
- c. My full name is Daniel J. Koevary. My residence address is 21 Fox Den Road, Mount Kisco, New York 10549. I am an attorney at the law firm of Kasowitz Benson Torres LLP. My office address is 1633 Broadway, New York, NY 10019. My telephone number is (212) 506-1837 and my facsimile number is (212) 500-3422. My e-mail address is DKoevary@kasowitz.com.
- d. I am duly licensed to practice law in the State of New York, and was admitted to practice in the State of New York in 2006.
- e. I do not maintain an office within the State of Mississippi nor am I a member of a firm which maintains an office in the State of Mississippi. I have not



engaged in the general practice of law in the State of Mississippi without being properly admitted and licensed to do so.

- f. I am currently licensed in good standing to practice law in the State of New York.
- g. I am not currently on suspension, nor have I been disbarred by the State of New York.
- h. I have not been the subject of disciplinary action or grievance proceedings by the bar, or association, or court during the past five (5) years or at any time.
- i. I am of good moral character and familiar with the ethics, principles, practices, customs, and usages of the legal profession.
- j. I have appeared as counsel *pro hac vice* within this state within the immediately preceding 12 months in the matter styled *Mississippi Department of Human Resources vs. Mississippi Community Education Center, Inc., et al*; In the Circuit Court of Hinds County, Mississippi, First Judicial District; Civil Action No. 22-cv-286-EFP.
- k. Unless permitted to withdraw by Order of the Court, I will continue to represent the Plaintiff, Brett Lorenzo Favre, in the above-styled action until the final determination of this cause. I consent to the jurisdiction of the courts of the State of Mississippi, of the disciplinary tribunal of the Mississippi Bar, and of the Mississippi Board of Bar Admissions in all respects as if I am a regularly admitted and licensed member of the Mississippi Bar.
- l. Michael J. Shemper, Attorney at Law, 140 Mayfair Road, Suite 1200, Hattiesburg, Mississippi 39402 and James Robert "Bob" Sullivan, Jr., will act as local counsel with whom the Court and opposing counsel may readily communicate regarding the conduct of this case.

2. Simultaneously with the filing of this application, I am delivering the sum of Three Hundred Dollars (\$300.00) to the Mississippi Bar as required by Miss. R. App. P. 46(b)(5).

WHEREFORE PREMISES CONSIDERED, Daniel J. Koevary requests admission as counsel *pro hac vice* for Plaintiff, Brett Lorenzo Favre.

RESPECTFULLY SUBMITTED, this, the 9th day of February, 2023.



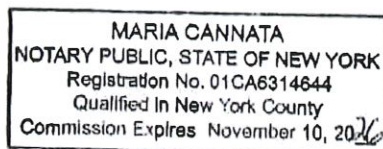
DANIEL J. KOEVARY

SWORN TO AND SUBSCRIBED BEFORE ME, this, the 9th day of
February, 2023.



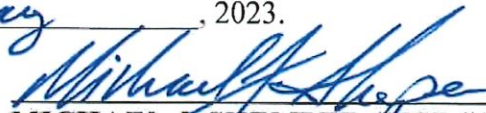
NOTARY PUBLIC

MY COMMISSION EXPIRES:




Local counsel, **MICHAEL J. SEMP**, joins in this Verified Application.

THIS, the 9th day of February, 2023.


MICHAEL J. SEMP (MSB #100531)

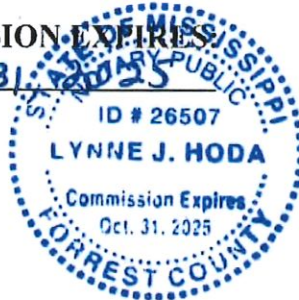
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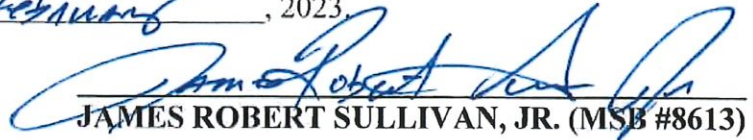
MY COMMISSION EXPIRES

October 31, 2025



Local counsel, **JAMES ROBERT SULLIVAN, JR.**, joins in this Verified Application.

THIS, the 9th day of February, 2023.


JAMES ROBERT SULLIVAN, JR. (MSB #8613)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 9th day of February, 2023.


NOTARY PUBLIC

MY COMMISSION EXPIRES:

October 31, 2025





*Appellate Division of the Supreme Court
of the State of New York
First Judicial Department*

*I, Susanna M. Rojas, Clerk of the Appellate Division of the
Supreme Court of the State of New York, First Judicial
Department, do hereby certify that*

Daniel James Koevary

*was duly licensed and admitted to practice as an Attorney and
Counselor at Law in all the courts of this State on **June 26, 2006**,
has duly taken and subscribed the oath of office prescribed by law,
has been enrolled in the Roll of Attorneys and Counselors at Law
on file in this office, is duly registered with the Administration
Office of the Courts, and according to the records of this Court is
currently in good standing as an Attorney and Counselor-at-Law.*

*In Witness Whereof, I have hereunto set
my hand in the City of New York on
February 7, 2023.*



Susanna M. Rojas

Clerk of the Court

CertID-00104091





Supreme Court of the State of New York
Appellate Division, First Department

ROLANDO T. ACOSTA
PRESIDING JUSTICE

SUSANNA MOLINA ROJAS
CLERK OF THE COURT

MARGARET SOWAH
DEPUTY CLERK OF THE COURT

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Susanna Rojas
Clerk of the Court

Revised October 2020

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c/o Amy Ward
643 North State Street
Jackson, MS 39202

/s/ Michael J. Shemper

MICHAEL J. SEMPEN

/s/ James Robert Sullivan, Jr.

JAMES ROBERT SULLIVAN, JR.

Prepared by:

Michael J. Shemper (MSB# 100531)
MICHAEL J. SHEMPER, PLLC
Attorney at Law
140 Mayfair Road, Suite 1200
Hattiesburg, MS 39402
Telephone: (601) 545-7787
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Email: michael@shemperlaw.com

James Robert "Bob" Sullivan, Jr. (MSB #8613)
Sullivan & Sullivan, PLLC
Attorneys at Law
424 Sawmill Road
P. O. Box 45
Laurel, MS 39441
Telephone: (601) 428-1505
Facsimile: (601-428-1590)
Email: bob@sst-lawoffice.com

Attorneys for Plaintiff Brett Lorenzo Favre

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

MOTION FOR ADMISSION *PRO HAC VICE*

COME NOW, Plaintiff, Brett Lorenzo Favre, appearing by and through undersigned counsel of record, and respectfully moves this Honorable Court to enroll Jennifer M. McDougall of Katonah, New York, to appear and participate as counsel *Pro Hac Vice* for said parties, in support of which Movants show that Jennifer M. McDougall is a member in good standing of the New York State Bar.

The verified application for appearance *Pro Hac Vice*, required by the Mississippi Rules of Appellate Procedure Rule 46(b)(5), is attached hereto as Exhibit "A". Jennifer M. McDougall desires to enroll as counsel *Pro Hac Vice*, along with the undersigned counsel, Michael J. Shemper, and James Robert Sullivan, Jr. who are attorneys duly authorized to practice law in the State of Mississippi and are members in good standing with the Mississippi State Bar Association.

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that Jennifer M. McDougall be enrolled as attorney *Pro Hac Vice* for Plaintiff, Brett Lorenzo Favre, together, with attorneys of record Michael J. Shemper and James Robert Sullivan, Jr.

RESPECTFULLY SUBMITTED, the 9th day of February, 2023.

BRETT LORENZO FAVRE, Plaintiff

**BY: /s/ Michael J. Shemper
MICHAEL J. SEMPEN (MSB #100531)**

**BY: /s/ James Robert Sullivan, Jr.
JAMES ROBERT SULLIVAN, JR.
(MSB #8613)**

Prepared by:

Michael J. Shemper (MSB# 100531)
MICHAEL J. SEMPEN, PLLC
Attorney at Law
140 Mayfair Road, Suite 1200
Hattiesburg, MS 39402
Telephone: (601) 545-7787
Facsimile: (601) 545-1711
Email: michael@shemperlaw.com

James Robert "Bob" Sullivan, Jr. (MSB #8613)
Sullivan & Sullivan, PLLC
Attorney at Law
424 Sawmill Road
P. O. Box 45
Laurel, MS 39441
Telephone: (601) 428-1505
Facsimile: (601) 428-1590
Email: bob@sst-lawoffice.com

Attorneys for Plaintiff, Brett Lorenzo Favre

CERTIFICATE OF SERVICE

WE DO HEREBY CERTIFY that we have on this 9th day of February, 2023, served a true and correct copy of the foregoing pleading on all counsel of record herein via the MEC filing system. We have further hand delivered a true and correct copy of the foregoing pleading to the following:

Honorable Claiborne McDonald
Circuit Court Judge, Lamar County, Mississippi
P. O. Box 590
Poplarville, MS 39470

Mr. D. Jeremy Whitmire, Clerk
Mississippi Supreme Court
Gartin Justice Building
450 High Street
Jackson, MS 39201

The Mississippi Bar Association
c/o Amy Ward
643 North State Street
Jackson, MS 39202

/s/ Michael J. Shemper

MICHAEL J. SEMPEN

/s/ James Robert Sullivan, Jr.

JAMES ROBERT SULLIVAN, JR.

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
OF JENNIFER M. MCDOUGALL

JENNIFER M. MCDOUGALL, Attorney at Law, 1633 Broadway, New York, New York 10019, at the request of Plaintiff, Brett Lorenzo Favre, files this her Verified Application for Admission *Pro Hac Vice* in the above case and in support shows as follows:

1. In accordance with Rule 46 of the Miss. R. App. P., as amended, this Verified Application is submitted requesting admission *pro hac vice*. The Applicant states under oath that the following is in accordance with Miss. R. App. P. 46(b)(5):

- a. It is my desire to appear as counsel *pro hac vice* in this Court or elsewhere in Mississippi.
- b. It is my desire to appear as counsel *pro hac vice* in the matter styled *Brett Lorenzo Favre vs. Patrick Justin McAfee*; In the Circuit Court of Lamar County, Mississippi; Civil Action No. 23-CV-00032.
- c. My full name is Jennifer M. McDougall. My residence address is 50 Cherry Street, Katonah, New York, 10536. I am a member of the law firm of Kasowitz Benson Torres LLP. My office address is 1633 Broadway, New York, NY 10019. My telephone number is (212) 506-3345 and my facsimile number is (212) 500-3465. My e-mail address is JMcDougall@kasowitz.com.
- d. I am duly licensed to practice law in the State of New York, and was admitted to practice in the State of New York in 2012.
- e. I do not maintain an office within the State of Mississippi nor am I a member of a firm which maintains an office in the State of Mississippi. I have not

EXHIBIT

"A"

engaged in the general practice of law in the State of Mississippi without being properly admitted and licensed to do so.

- f. I am currently licensed in good standing to practice law in the State of New York.
- g. I am not currently on suspension, nor have I been disbarred by the State of New York.
- h. I have not been the subject of disciplinary action or grievance proceedings by the bar, or association, or court during the past five (5) years or at any time.
- i. I am of good moral character and familiar with the ethics, principles, practices, customs, and usages of the legal profession.
- j. I have appeared as counsel *pro hac vice* within this state within the immediately preceding 12 months in the matter styled *Mississippi Department of Human Resources vs. Mississippi Community Education Center, Inc., et al*; In the Circuit Court of Hinds County, Mississippi, First Judicial District; Civil Action No. 22-cv-286-EFP.
- k. Unless permitted to withdraw by Order of the Court, I will continue to represent the Plaintiff, Brett Lorenzo Favre, in the above-styled action until the final determination of this cause. I consent to the jurisdiction of the courts of the State of Mississippi, of the disciplinary tribunal of the Mississippi Bar, and of the Mississippi Board of Bar Admissions in all respects as if I am a regularly admitted and licensed member of the Mississippi Bar.
- l. Michael J. Shemper, Attorney at Law, 140 Mayfair Road, Suite 1200, Hattiesburg, Mississippi 39402 and James Robert "Bob" Sullivan, Jr., will act as local counsel with whom the Court and opposing counsel may readily communicate regarding the conduct of this case.

2. Simultaneously with the filing of this application, I am delivering the sum of Three Hundred Dollars (\$300.00) to the Mississippi Bar as required by Miss. R. App. P. 46(b)(5).

WHEREFORE PREMISES CONSIDERED, Jennifer M. McDougall requests admission as counsel *pro hac vice* for Plaintiff, Brett Lorenzo Favre.

RESPECTFULLY SUBMITTED, this 9th day of February, 2023.

Jull
JENNIFER M. MCDOUGALL

SWORN TO AND SUBSCRIBED BEFORE ME, this, the 9th day of
February, 2023.

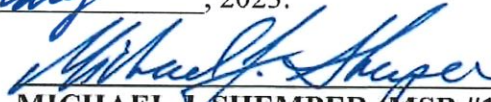
Maria Cannata
NOTARY PUBLIC

MY COMMISSION EXPIRES:

MARIA CANNATA
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01CA6314644
Qualified in New York County
Commission Expires November 10, 2026

Local counsel, **MICHAEL J. SEMP**, joins in this Verified Application.

THIS, the 9th day of February, 2023.


MICHAEL J. SEMP (MSB #100531)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 9th day of February, 2023.

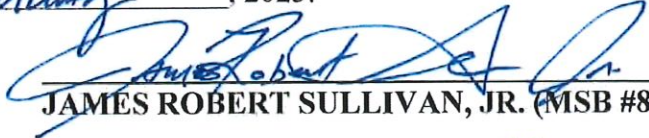


NOTARY PUBLIC

MY COMMISSION EXPIRES:
October 31, 2023

Local counsel, **JAMES ROBERT SULLIVAN, JR.**, joins in this Verified Application.

THIS, the 9th day of February, 2023.



JAMES ROBERT SULLIVAN, JR. (MSB #8613)

SWORN TO AND SUBSCRIBED BEFORE ME, this the 9th day of February, 2023.



NOTARY PUBLIC

MY COMMISSION EXPIRES:

October 31, 2025





*Appellate Division of the Supreme Court
of the State of New York
Second Judicial Department*

*I, Maria T. Fasulo, Clerk of the Appellate Division of the
Supreme Court of the State of New York, Second Judicial
Department, do hereby certify that*

Jennifer Marie McDougall

*was duly licensed and admitted to practice as an Attorney and
Counselor at Law in all the courts of this State on **May 23, 2012**,
has duly taken and subscribed the oath of office prescribed by law,
has been enrolled in the Roll of Attorneys and Counselors at Law
on file in this office, is duly registered with the Administration
Office of the Courts, and according to the records of this Court is
currently in good standing as an Attorney and Counselor-at-Law.*



*In Witness Whereof, I have hereunto set
my hand in the City of Brooklyn on
February 8, 2023.*

Maria T. Fasulo

Clerk of the Court

CertID-00104059





Appellate Division
Supreme Court of the State of New York
Second Judicial Department
45 Monroe Place
Brooklyn, N.Y. 11201
(718) 875-1300

HECTOR D. LASALLE
PRESIDING JUSTICE

MARIA T. FASULO
CLERK OF THE COURT

DARRELL M. JOSEPH
DEPUTY CLERKS

KENNETH BAND
MELISSA KRAKOWSKI
WENDY STYNES
ASSOCIATE DEPUTY CLERKS

To Whom It May Concern

An attorney admitted to practice by this Court may request a certificate of good standing, which is the only official document this Court issues certifying to an attorney's admission and good standing.

An attorney's registration status, date of admission and disciplinary history may be viewed through the attorney search feature on [the website of the Unified Court System](#).

New York State does not register attorneys as active or inactive.

An attorney may request a disciplinary history letter from the [Attorney Grievance Committee of the Second Judicial Department](#).

Bar examination history is available from the [New York State Board of Law Examiners](#).

Instructions, forms and links are available on [this Court's website](#).

Maria T. Fasulo

Maria T. Fasulo
Clerk of the Court

CERTIFICATE OF SERVICE

WE DO HEREBY CERTIFY that we have on this 9th day of February, 2023, served a true and correct copy of the foregoing pleading on all counsel of record herein via the MEC filing system. We have further hand delivered a true and correct copy of the foregoing pleading to the following:

Honorable Claiborne McDonald
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Mr. D. Jeremy Whitmire, Clerk
Mississippi Supreme Court
Gartin Justice Building
450 High Street
Jackson, MS 39201

The Mississippi Bar Association
c/o Amy Ward
643 North State Street
Jackson, MS 39202

/s/ Michael J. Shemper
MICHAEL J. SEMP

/s/ James Robert Sullivan, Jr.
JAMES ROBERT SULLIVAN, JR.

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

D. Jeremy Whitmire
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082

e-mail: sctclerk@courts.ms.gov

February 14, 2023

RE: **Eric Daniel Herschmann**
Brett Lorenzo Favre v. Patrick Justin McAfee
SC #: 2023-AC-00167; Trial Court #: 37CI1:23-cv-00032-CM
Lamar County Circuit Court District 1

CLERK'S CORRECTED PRO HAC VICE STATEMENT

Attached hereto is a record indicating all causes or other matters which have been reported to the Office of the Clerk of the Supreme Court in which the specified foreign attorney previously requested to appear as counsel pro hac vice and the date and disposition of each request.

Pursuant to Mississippi Rules of Appellate Procedure, Rule 46 (b) (7) **provides that upon entry of an order by the trial court judge it is the responsibility of the foreign attorney to provide this office with a copy of the order.**

Effective May 27, 2004, by order of the Court, M.R.A.P. 46 (b)(5) was amended to place the responsibility of obtaining, filing and serving the statement of the Clerk of the Supreme Court upon the foreign attorney seeking leave to appear pro hac vice. **The foreign attorney shall file a copy of the Statement and Pro Hac Vice Report on the trial court clerk, the trial court judge, local counsel and attorneys of record.** The Clerk of the Supreme Court will provide one copy to the foreign attorney.



CLERK

Pro Hac Vice Report

Date Run:02/14/2023

Tracking # 995916 **Name:** Eric Daniel Herschmann**Cases Attached To:**

2022-AC-01136	Hinds County Circuit Court District 1	Eleanor Johnson Peterson
Mississippi Department of Human Resources v. Mississippi Community		Local Atty: Michael Jacob Shemper
Application Filed: 11/09/2022	Clerk's Notice Issued: 11/09/2022	Delinquency Issued:
Trial Court Order Recvd: 11/15/2022	Granted	
2023-AC-00167	Lamar County Circuit Court District 1	Claiborne McDonald
Brett Lorenzo Favre v. Patrick Justin McAfee		Local Atty: Michael Jacob Shemper
Application Filed: 02/13/2023	Clerk's Notice Issued: 02/13/2023	Delinquency Issued:
Trial Court Order Recvd:		
2023-AC-00168	Hinds County Circuit Court District 1	Debra H. Gibbs
Brett Lorenzo Favre v. Shadrack Tucker White		Local Atty: Michael Jacob Shemper
Application Filed: 02/13/2023	Clerk's Notice Issued: 02/14/2023	Delinquency Issued:
Trial Court Order Recvd:		
2023-AC-00170	Lamar County Circuit Court District 1	Claiborne McDonald
Brett Lorenzo Favre v. Shannon Sharpe		Local Atty: Michael Jacob Shemper
Application Filed: 02/14/2023	Clerk's Notice Issued: 02/14/2023	Delinquency Issued:
Trial Court Order Recvd:		

Total: 4

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
Office of the Clerk

D. Jeremy Whitmire
Post Office Box 249
Jackson, Mississippi 39205-0249
Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082

e-mail: sctclerk@courts.ms.gov

February 14, 2023

RE: **Daniel Richard Benson**
Brett Lorenzo Favre v. Patrick Justin McAfee
SC #: 2023-AC-00167; Trial Court #: 37CI1:23-cv-00032-CM
Lamar County Circuit Court District 1

CLERK'S CORRECTED PRO HAC VICE STATEMENT

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CLERK

Pro Hac Vice Report

Date Run:02/14/2023

Tracking # 995927 **Name:** Daniel Richard Benson**Cases Attached To:**

2022-AC-01136 Hinds County Circuit Court District 1 Eleanor Johnson Peterson

Mississippi Department of Human Resources v. Mississippi Community **Local Atty:** Michael Jacob Shemper**Application Filed:** 11/18/2022 **Clerk's Notice Issued:** 11/18/2022 **Delinquency Issued:****Trial Court Order Recvd:** 11/21/2022 **Granted**

2023-AC-00167 Lamar County Circuit Court District 1 Claiborne McDonald

Brett Lorenzo Favre v. Patrick Justin McAfee

Application Filed: 02/13/2023 **Clerk's Notice Issued:** 02/13/2023 **Local Atty:** Michael Jacob Shemper**Delinquency Issued:****Trial Court Order Recvd:**

2023-AC-00168 Hinds County Circuit Court District 1 Debra H. Gibbs

Brett Lorenzo Favre v. Shadrack Tucker White

Application Filed: 02/13/2023 **Clerk's Notice Issued:** 02/14/2023 **Local Atty:** Michael Jacob Shemper**Delinquency Issued:****Trial Court Order Recvd:**

2023-AC-00170 Lamar County Circuit Court District 1 Claiborne McDonald

Brett Lorenzo Favre v. Shannon Sharpe

Application Filed: 02/14/2023 **Clerk's Notice Issued:** 02/14/2023 **Local Atty:** Michael Jacob Shemper**Delinquency Issued:****Trial Court Order Recvd:****Total: 4**

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
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Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082

e-mail: scclerk@courts.ms.gov

February 14, 2023

RE: **Daniel James Koevary**
Brett Lorenzo Favre v. Patrick Justin McAfee
SC #: 2023-AC-00167; Trial Court #: 37CI1:23-cv-00032-CM
Lamar County Circuit Court District 1

CLERK'S CORRECTED PRO HAC VICE STATEMENT

Attached hereto is a record indicating all causes or other matters which have been reported to the Office of the Clerk of the Supreme Court in which the specified foreign attorney previously requested to appear as counsel pro hac vice and the date and disposition of each request.

Pursuant to Mississippi Rules of Appellate Procedure, Rule 46 (b) (7) **provides that upon entry of an order by the trial court judge it is the responsibility of the foreign attorney to provide this office with a copy of the order.**

Effective May 27, 2004, by order of the Court, M.R.A.P. 46 (b)(5) was amended to place the responsibility of obtaining, filing and serving the statement of the Clerk of the Supreme Court upon the foreign attorney seeking leave to appear pro hac vice. **The foreign attorney shall file a copy of the Statement and Pro Hac Vice Report on the trial court clerk, the trial court judge, local counsel and attorneys of record.** The Clerk of the Supreme Court will provide one copy to the foreign attorney.



CLERK

Pro Hac Vice Report

Date Run:02/14/2023

Tracking # 995925 **Name:** Daniel James Koevary
Cases Attached To:

2022-AC-01136	Hinds County Circuit Court District 1	Eleanor Johnson Peterson
Mississippi Department of Human Resources v. Mississippi Community		Local Atty: Michael Jacob Shemper
Application Filed: 11/18/2022	Clerk's Notice Issued: 11/18/2022	Delinquency Issued:
Trial Court Order Recvd: 11/21/2022	Granted	

2023-AC-00167	Lamar County Circuit Court District 1	Claiborne McDonald
Brett Lorenzo Favre v. Patrick Justin McAfee		Local Atty: Michael Jacob Shemper
Application Filed: 02/13/2023	Clerk's Notice Issued: 02/13/2023	Delinquency Issued:
Trial Court Order Recvd:		

2023-AC-00168	Hinds County Circuit Court District 1	Debra H. Gibbs
Brett Lorenzo Favre v. Shadrack Tucker White		Local Atty: James Robert Sullivan Jr.
Application Filed: 02/13/2023	Clerk's Notice Issued: 02/14/2023	Delinquency Issued:
Trial Court Order Recvd:		

2023-AC-00170	Lamar County Circuit Court District 1	Claiborne McDonald
Brett Lorenzo Favre v. Shannon Sharpe		Local Atty: Michael Jacob Shemper
Application Filed: 02/14/2023	Clerk's Notice Issued: 02/14/2023	Delinquency Issued:
Trial Court Order Recvd:		

Total: 4

Supreme Court of Mississippi
Court of Appeals of the State of Mississippi
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Telephone: (601) 359-3694
Facsimile: (601) 359-2407

(Street Address)
450 High Street
Jackson, Mississippi 39201-1082

e-mail: sctclerk@courts.ms.gov

February 15, 2023

RE: Jennifer Marie McDougall
Brett Lorenzo Favre v. Patrick Justin McAfee
SC #: 2023-AC-00167; Trial Court #: 37CI1:23-cv-00032-CM
Lamar County Circuit Court District 1

CLERK'S PRO HAC VICE STATEMENT with CORRECTED REPORT

Attached hereto is a record indicating all causes or other matters which have been reported to the Office of the Clerk of the Supreme Court in which the specified foreign attorney previously requested to appear as counsel pro hac vice and the date and disposition of each request.

Pursuant to Mississippi Rules of Appellate Procedure, Rule 46 (b) (7) **provides that upon entry of an order by the trial court judge it is the responsibility of the foreign attorney to provide this office with a copy of the order.**

Effective May 27, 2004, by order of the Court, M.R.A.P. 46 (b)(5) was amended to place the responsibility of obtaining, filing and serving the statement of the Clerk of the Supreme Court upon the foreign attorney seeking leave to appear pro hac vice. **The foreign attorney shall file a copy of the Statement and Pro Hac Vice Report on the trial court clerk, the trial court judge, local counsel and attorneys of record.** The Clerk of the Supreme Court will provide one copy to the foreign attorney.



CLERK

Pro Hac Vice Report

Date Run:02/15/2023

Tracking # 995926 **Name:** Jennifer Marie McDougall

Cases Attached To:

2022-AC-01136	Hinds County Circuit Court District 1	Eleanor Johnson Peterson
Mississippi Department of Human Resources v. Mississippi Community		Local Atty: Michael Jacob Shemper
Application Filed: 11/18/2022	Clerk's Notice Issued: 11/18/2022	Delinquency Issued:
Trial Court Order Recvd: 11/21/2022	Granted	

2023-AC-00167	Lamar County Circuit Court District 1	Claiborne McDonald
Brett Lorenzo Favre v. Patrick Justin McAfee		Local Atty: Michael Jacob Shemper
Application Filed: 02/13/2023	Clerk's Notice Issued: 02/13/2023	Delinquency Issued:
Trial Court Order Recvd:		

2023-AC-00170	Lamar County Circuit Court District 1	Claiborne McDonald
Brett Lorenzo Favre v. Shannon Sharpe		Local Atty: Michael Jacob Shemper
Application Filed: 02/14/2023	Clerk's Notice Issued: 02/14/2023	Delinquency Issued:
Trial Court Order Recvd:		

2023-AC-00168	Hinds County Circuit Court District 1	Debra H. Gibbs
Brett Lorenzo Favre v. Shadrack Tucker White		Local Atty: James Robert Sullivan Jr.
Application Filed: 02/13/2023	Clerk's Notice Issued: 02/14/2023	Delinquency Issued:
Trial Court Order Recvd:		

Total: 4

IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

ORDER FOR ADMISSION PRO HAC VICE

THIS DAY THIS CAUSE came on to be heard upon Plaintiff, Brett Lorenzo Favre's, Motion for Admission Pro Hac Vice of Eric D. Herschmann, a member in good standing of the Texas State Bar, New York State Bar, New Jersey, State Bar, U.S. District Court for the Southern District of New York, U.S. District Court for the Eastern District of New York, and the U. S. Supreme Court for admission as attorney *Pro Hac Vice* for the Plaintiff, Brett Lorenzo Favre, in this action. The Court having considered the motion finds it is well taken and should therefore be sustained.

IT IS THEREFORE ORDERED AND ADJUDGED that Eric D. Herschmann is hereby admitted appearing as attorney *Pro Hac Vice* for the Plaintiff, Brett Lorenzo Favre, in this action in association with Michael J. Shemper and James Robert Sullivan, Jr.

SO ORDERED on this, the 17 day of July, 2023.


CIRCUIT COURT JUDGE

FILED

LAMAR
COUNTY

FEB 21 2023

CIRCUIT
CLERK



Prepared by:

Michael J. Shemper (MSB# 100531)
MICHAEL J. SHEMPER, PLLC
Attorney at Law
140 Mayfair Road, Suite 1200
Hattiesburg, MS 39402
Telephone: (601) 545-7787
Facsimile: (601) 545-1711
Email: michael@shemperlaw.com

James Robert "Bob" Sullivan, Jr. (MSB #8613)
Sullivan & Sullivan, PLLC
Attorneys at Law
424 Sawmill Road
P. O. Box 45
Laurel, MS 39441
Telephone: (601) 428-1505
Facsimile: (601) 428-1590
Email: bob@sst-lawoffice.com

Attorneys for Plaintiff Brett Lorenzo Favre

FILED

LAMAR
COUNTY

FEB 21 2023

CIRCUIT
CLERK



IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

ORDER FOR ADMISSION *PRO HAC VICE*

THIS DAY THIS CAUSE came on to be heard upon Plaintiff, Brett Lorenzo Favre's, Motion for Admission Pro Hac Vice of Daniel R. Benson, a member in good standing of the New York State Bar, U.S. District Court for the Southern District of New York, U.S. District Court for the Eastern District of New York, U.S. Court of Appeals for the Second Circuit, U.S. Court of Appeals for the Third Circuit, D.C. Circuit Court of Appeals, and the U.S. Supreme Court for admission as attorney *Pro Hac Vice* for the Plaintiff, Brett Lorenzo Favre, in this action. The Court having considered the motion finds it is well taken and should therefore be sustained.

IT IS THEREFORE ORDERED AND ADJUDGED that Daniel R. Benson is hereby admitted appearing as attorney *Pro Hac Vice* for the Plaintiff, Brett Lorenzo Favre, in this action in association with Michael J. Shemper and James Robert Sullivan, Jr.

SO ORDERED on this, the 17 day of Feb 2023.


CIRCUIT COURT JUDGE

FILED

LAMAR COUNTY FEB 21 2023 CLERK



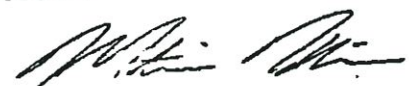
Prepared by:

Michael J. Shemper (MSB# 100531)
MICHAEL J. SEMPEN, PLLC
Attorney at Law
140 Mayfair Road, Suite 1200
Hattiesburg, MS 39402
Telephone: (601) 545-7787
Facsimile: (601) 545-1711
Email: michael@shemperlaw.com

James Robert "Bob" Sullivan, Jr. (MSB #8613)
Sullivan & Sullivan, PLLC
Attorneys at Law
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Telephone: (601) 428-1505
Facsimile: (601) 428-1590
Email: bob@sst-lawoffice.com

Attorneys for Plaintiff Brett Lorenzo Favre

FILED
LAMAR COUNTY FEB 21 2023 CIRCUIT CLERK



IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

ORDER FOR ADMISSION *PRO HAC VICE*

THIS DAY THIS CAUSE came on to be heard upon Plaintiff, Brett Lorenzo Favre's, Motion for Admission Pro Hac Vice of Jennifer M. McDougall, a member in good standing of the New York State Bar for admission as attorney *Pro Hac Vice* for the Plaintiff, Brett Lorenzo Favre, in this action. The Court having considered the motion finds it is well taken and should therefore be sustained.

IT IS THEREFORE ORDERED AND ADJUDGED that Jennifer M. McDougall is hereby admitted appearing as attorney *Pro Hac Vice* for the Plaintiff, Brett Lorenzo Favre, in this action in association with Michael J. Shemper and James Robert Sullivan, Jr.

SO ORDERED on this, the 17 day of July 2023


CIRCUIT COURT JUDGE

FILED

LAMAR
COUNTY

FEB 21 2023

CIRCUIT
CLERK



Prepared by:

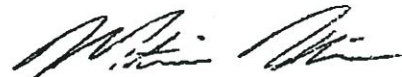
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Facsimile: (601) 428-1590
Email: bob@sst-lawoffice.com

Attorneys for Plaintiff Brett Lorenzo Favre

FILED

LAMAR COUNTY FEB 21 2023 CLERK



IN THE CIRCUIT COURT OF LAMAR COUNTY, MISSISSIPPI

BRETT LORENZO FAVRE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 23-CV-00032-CM

PATRICK JUSTIN McAFEE

DEFENDANT

ORDER FOR ADMISSION *PRO HAC VICE*

THIS DAY THIS CAUSE came on to be heard upon Plaintiff, Brett Lorenzo Favre's, Motion for Admission Pro Hac Vice of Daniel J. Koevary, a member in good standing of the New York State Bar, U.S. District Court for the Southern District of New York, and the U.S. District Court for the Eastern District of New York for admission as attorney *Pro Hac Vice* for the Plaintiff, Brett Lorenzo Favre, in this action. The Court having considered the motion finds it is well taken and should therefore be sustained.

IT IS THEREFORE ORDERED AND ADJUDGED that Daniel J. Koevary is hereby admitted appearing as attorney *Pro Hac Vice* for the Plaintiff, Brett Lorenzo Favre, in this action in association with Michael J. Shemper and James Robert Sullivan, Jr.

SO ORDERED on this, the 17 day of February 2023.


CIRCUIT COURT JUDGE

FILED
LAMAR COUNTY FEB 21 2023 CIRCUIT CLERK


Prepared by:

Michael J. Shemper (MSB# 100531)
MICHAEL J. SHEMPER, PLLC
Attorney at Law
140 Mayfair Road, Suite 1200
Hattiesburg, MS 39402
Telephone: (601) 545-7787
Facsimile: (601) 545-1711
Email: michael@shemperlaw.com

James Robert "Bob" Sullivan, Jr. (MSB #8613)
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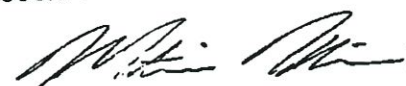
Attorneys for Plaintiff Brett Lorenzo Favre

FILED

LAMAR
COUNTY

FEB 21 2023

CIRCUIT
CLERK



Attorney or Party without Attorney: Daniel R Benson, Esq. (pro hac vice admission pending) KASOWITZ BENSON TORRES LLP 1633 Broadway New York, NY 10019 Telephone No: 212-506-1700				For Court Use Only
Attorney For: Plaintiff		Ref. No. or File No.: 12362703		
Insert name of Court, and Judicial District and Branch Court: In the Circuit Court of Lamar County, Mississippi				
Plaintiff: Brett Lorenzo Favre Defendant: Patrick Justin McAfee				
AFFIDAVIT OF SERVICE	Hearing Date:	Time:	Dept/Div:	Case Number: 37CI1:23-cv-00032-CM

1. *At the time of service I was at least 18 years of age and not a party to this action.*
2. I served copies of the Summons; Complaint; Civil Cover Sheet
3.
 - a. *Party served:* Patrick Justin McAfee
 - b. *Person served:* Patrick Justin McAfee , Caucasian , Male , Age: 35 , Hair: Blond , Eyes: Hazel , Height: 6'1" , Weight: 250
4. *Address where the party was served:* 8811 Spinnaker Ct, Indianapolis, IN 46256
5. *I served the party:*
 - a. *by personal service.* I personally delivered the documents listed in item 2 to the party or person authorized to receive process for the party (1) on: Sun, Feb. 26, 2023 (2) at: 10:32 AM

I declare under penalty of perjury that the foregoing is true and correct.

7. **Person Who Served Papers:**
a. Paige Cobb
b. **FIRST LEGAL**
3600 Lime Street, Suite 626
RIVERSIDE, CA 92501
c. (888) 599-5039

2/28/23

(Date)

[Signature]

(Signature)

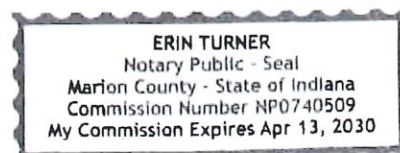
8. STATE OF INDIANA, COUNTY OF MARION
Subscribed and sworn to (or affirmed) before on this 28th day of FEBRUARY, 2023 by Paige Cobb
proved to me on the basis of satisfactory evidence to be the person who appeared before me.

Gammur

(Notary Signature)



AFFIDAVIT OF SERVICE



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(362861)